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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/087,205

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Michael L. Blomquist

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MERCHANT & GOULD PC

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EXAMINER

HANNE, SARA M

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/087,205	Applicant(s) BLOMQUIST, MICHAEL L.	
	Examiner Sara M. Hanne	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In response to the remarks filed 1/13/06, Claims 1-16 are all pending. Examiner notes that Claims 3, 5, 9 and 11 are rejected under 103(a) as seen in the office action dated 7/13/05, the typo has been corrected. Furthermore the examiner fails to recognize an error regarding claims 7 and 14. They were rejected under 102(e) in the office action dated 7/13/05 on page 3, line 12.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4, 6-8, 10 and 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Campbell et al., US Patent Application Publication 2005/0137530, hereinafter Campbell.

As in Claims 1 and 15, Campbell teaches a method comprising generating a user interface having a plurality of pages, one of the pages being a home page (Page 1, par 6), a data port (cradle ref. 46), memory for storing a banner retrieved from the dataport (memory, ref. 16), retrieving a banner from memory (Page 5, Par. 58), and displaying the retrieved banner in the home page on a screen (LCD, ref. 18, Fig. 22 status).

As in Claims 2 and 8, Campbell teaches retrieving a banner identifying the programmable pump as an insulin pump (Bolus data, Insulin type screen, U100U, Fig. 16 and 22).

As in Claims 4 and 10, Campbell teaches retrieving a banner containing medical information specific to the user of the programmable pump (Basal Review, Prime History).

As in Claims 6, 12 and 16, Campbell teaches two or more of the pages generated by the user interface are home pages, and retrieving a banner from memory (ref. 16), includes retrieving two or more banners from memory, and displaying a banner one of the home pages and a banner on another of the home pages (Page 1, Par. 6 et seq.).

As in Claim 13, Campbell teaches a data port, the processor being configured to receive a banner through the data port and store the banner in memory (See rejection of Claims 1 and 15 *supra*).

As in Claims 7 and 14, Campbell teaches downloading of the banner to the pump and loading the banner from memory onboard the programmable pump (Page 2, par 12-15).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al., US Patent Application Publication 2005/0137530, hereinafter Campbell and further in view of Estes et al., US Patent Application Publication 2003/0114836, hereinafter Estes.

Campbell teaches a programmable pump in data communication with a computer (Fig. 1, ref. 10 and 48), the pump receiving a banner from memory and display the banner on the screen (See Claim rejections *supra*).

As in Claims 3 and 9, While Campbell teaches a programmable pump in data communication with a computer, the computer programmed to receive a banner through memory, they fail to show the banner containing information identifying the user of the programmable pump as recited in the claims. In the same field of the invention, Estes et al. teaches a programmable pump similar to that of Campbell. In addition, Estes et al. further teaches the a banner containing information identifying the user of the programmable pump (Fig 4 and 5, Patient Name). It would have been obvious to one of ordinary skill in the art, having the teachings of Campbell and Estes et al. before him at the time the invention was made, to modify the programmable pump in data communication with a computer, the computer programmed to receive a banner from memory taught by Campbell to include the banner identifying the pump's user of Estes et al., in order to obtain a banner from memory displayed on the pump display identifying the pump's user. One would have been motivated to make such a

combination because a personalized pump display would have been obtained, as taught by Estes et al.

As in Claims 5 and 11, While Campbell teaches a programmable pump in data communication with a computer, the computer programmed to receive a banner through memory, they fail to show retrieving a banner identifying the caregiver for the user of the programmable pump as recited in the claims. In the same field of the invention, Estes et al. teaches a programmable pump similar to that of Campbell. In addition, Estes et al. further teaches a banner containing information identifying the caregiver of the programmable pump (Fig 3A, Facility Info, Physician Name). It would have been obvious to one of ordinary skill in the art, having the teachings of Campbell and Estes et al. before him at the time the invention was made, to modify the programmable pump in data communication with a computer, the computer programmed to receive a banner from memory taught by Campbell to include the banner identifying the pump's caregiver of Estes et al., in order to obtain a banner from memory displayed on the pump display identifying the pump's caregiver. One would have been motivated to make such a combination because an authorized pump display would have been obtained, as taught by Estes et al.

Response to Arguments

Applicant's arguments filed 1/13/06 have been fully considered but they are not persuasive.

In response to the argument that Campbell fails to teach a home page, the examiner disagrees. The applicant states that a home page is the starting page for the user interface on the pump (pg. 2, par. 3 of the remarks filed 1/13/06). The claims merely describe the home page as one of the pages that displays a banner. This is clearly taught by Campbell (Fig. 8 and corresponding text). Campbell does teach a blank page, however they also teach other pages.

In response to the argument that Campbell fails to teach the limitations of Claim 8, the examiner disagrees. In accordance with the Claimed limitations, Campbell teaches retrieving a banner identifying the programmable pump as an insulin pump (Bolus data, Insulin type screen, U100U, Fig. 16 and 22).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "A banner can be any user-defined information" and "the patient's telephone number) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach infusion pump displays.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh


WEILUN LO
SUPERVISORY PATENT EXAMINER